

clf\mushinsky-nelson\pleadings\Complaint

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

PAVEL MUSHINSKY
1554A Stoney Lane
Philadelphia, PA 19115,

Plaintiff,

vs.

NELSON, WATSON & ASSOCIATES, LLC
80 Merrimack Street Lower Level
Haverhill, MA 01830,

Defendant.

CIVIL ACTION NO.

COMPLAINT

I. INTRODUCTION

1. This is an action for damages brought by a consumer pursuant to the Fair Debt Collection Practices Act, 15 U.S.C. §1692 ('FDCPA').
2. The FDCPA prohibits collectors from engaging in deceptive and unfair practices in the collection of a consumer debt.
3. Defendant is subject to strict liability for sending a collection letter which violates the provisions of the FDCPA.

II. JURISDICTION

4. Jurisdiction arises under 15 U.S.C. §1692k and 28 U.S.C. §1337.

III. PARTIES

5. Plaintiff, Pavel Mushinsky ('Plaintiff'), is a consumer who resides in Philadelphia, Pennsylvania at the address captioned.

6. Defendant Nelson, Watson & Associates, LLC ("Nelson") is believed to be a Massachusetts corporation with a place of business in Haverhill, Massachusetts and a mailing address as captioned.

7. Nelson regularly engages in the collection of consumer debts in the Eastern District of Pennsylvania using the mails and telephone.

8. Nelson regularly attempts to collect consumer debts alleged to be due another.

9. Nelson is a "debt collector" as that term is contemplated in the FDCPA, 15 U.S.C. §1692a(6).

IV. STATEMENT OF CLAIM

10. On October 9, 2008, defendant Nelson sent Plaintiff a collection notice seeking to collect a consumer debt alleged due. A copy of the collection notice is attached hereto as Exhibit "A" (redacted per local rule for privacy).

11. The collection notice represents the balance due consists of:

Principal:	\$2,927.07
Interest:	\$325.11
Balance Due:	\$3252.98

12. Defendant's statement in its October 9 letter that the balance consists of \$2,927.07 in principal and \$325.11 in interest is false, deceptive and misleading. The principal amount claimed is inaccurate as it includes already accumulated interest and fees. This results in an inaccurate and overstated amount of principal, and inaccurate and overstated interest being charged.

13. The FDCPA prohibits debt collectors from using false, deceptive or misleading means in an attempt to collect a debt alleged due, including misrepresenting the character, status, or amount of the alleged debt. 15 U.S.C. §1692e and §1692e(2).

COUNT I - FAIR DEBT COLLECTION PRACTICES ACT

14. Plaintiff repeats the allegations contained above as if the same were here set forth at length.

15. Defendant Nelson's October 9, 2008 collection letter violates the Fair Debt Collection Practices Act by using false, deceptive or misleading statements in the collection of a consumer debt, in violation of 15 U.S.C. §1692e and §1692e(2).

WHEREFORE, Plaintiff Pavel Mushinsky demands judgment against defendant Nelson, Watson & Associates, LLC, for:

- (a) Damages;
- (b) Attorney's fees and costs;
- (c) Such other and further relief as the Court shall deem just and proper.

V. DEMAND FOR JURY TRIAL

Plaintiff demands a trial by jury as to all issues so triable.

Respectfully submitted:

Date: 02/11/09

/s/ Theodore E. Lorenz (TEL5114)
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